

**OFFICE OF THE FEDERAL PUBLIC DEFENDER
FOR THE NORTHERN DISTRICT OF NEW YORK**

Syracuse, NY

4 Clinton Square
3RD FLOOR
SYRACUSE, NY 13202
(315) 701-0080
(315) 701-0081 FAX

Lisa Peebles,
Federal Public Defender

Respond to Albany Office

Albany, NY

39 N. Pearl Street
5TH FLOOR
ALBANY, NY 12207
(518) 436-1850
(518) 436-1780 FAX

Paul Evangelista,
First Assistant

February 26, 2018

Hon. Thomas J. McAvoy, Senior U.S. District Judge
Federal Building and U.S. Courthouse
15 Henry Street
Binghamton, New York 13901

**Re: United States v. Robert Twiss
Case No. 17-CR-059 (TJM)**

Dear Judge McAvoy:

On Robert Twiss's behalf, I respectfully ask the Court to modify his conditions of supervised release to eliminate the prohibition on alcohol use (Special Condition number 4) and to allow for the non-excessive use of alcohol.

Mr. Twiss's underlying offense—possession of a firearm by a prohibited person—and the surrounding activities did not involve alcohol abuse. Mr. Twiss has no prior criminal justice contacts involving alcohol. His last criminal justice contact involving a controlled substance was 30 years ago (a marijuana possession arrest for which there is no reported disposition).

During the years leading up to the offense in this case, Mr. Twiss might have consumed up to two beers at a sitting. Mr. Twiss has exhibited self-control during alcohol use, and he has no interest in drinking to intoxication or putting himself in a position to face sanction from the Court.

Accordingly, I respectfully ask the Court to make the requested modification. I have conferred with USPO Ron LaCoy, who does not object to the requested modification. Mr. Twiss thanks the Court for its consideration.

Very truly yours,

/s/Timothy E. Austin

Timothy E. Austin
Assistant Federal Public Defender

Cc: AUSA Richard Belliss
USPO Ron LaCoy

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**Re: United States v. Robert Twiss
Case No. 17-CR-059 (TJM)**

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2018, I electronically filed the foregoing letter request with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

AUSA Richard Belliss

I also served the same upon USPO Ron LaCoy by email.

/s/Timothy E. Austin

Assistant Federal Public Defender
Bar Roll No. 508098
Attorney for Defendant
39 North Pearl Street, 5th Floor
Albany, New York 12207
Telephone: (518) 436-1850
Fax: (518) 436-1780
E-mail: tim_austin@fd.org